

AMENDED IN ASSEMBLY JANUARY 4, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1362

Introduced by Assembly Member Gordon
(Principal coauthor: Senator Wolk)

February 27, 2015

An act to amend Section ~~53750~~ 2021 of the ~~Government Health and Safety Code~~, relating to ~~local government~~ *pest abatement*.

LEGISLATIVE COUNSEL'S DIGEST

AB 1362, as amended, Gordon. ~~Local government: assessments, fees, and charges: stormwater definition. Mosquito abatement and vector control districts: board of trustees: appointment of members.~~

Existing law, the Mosquito Abatement and Vector Control District Law, specifies the procedures for district formation, the procedures for the selection of the district board of trustees and officers, and the powers and duties of the board. Existing law authorizes the board of supervisors to appoint one person to the board of trustees, and the city council of each city that is located in whole or in part within the district to appoint one person to the board of trustees, in the case of a district that is located entirely within a single county and contains both incorporated territory and unincorporated territory.

This bill would authorize the board of supervisors and a city selection committee, established pursuant to specified provisions of law, to appoint persons to the board of trustees, as specified, in the case of a district that is located entirely within a single county and contains both incorporated territory, including every city within that county, and unincorporated territory.

~~Articles XIII C and XIII D of the California Constitution generally require that assessments, fees, and charges be submitted to property owners for approval or rejection after the provision of written notice and the holding of a public hearing. Existing law, the Proposition 218 Omnibus Implementation Act (hereafter the Act), prescribes specific procedures and parameters for local jurisdictions to comply with Articles XIII C and XIII D of the California Constitution and defines various terms for these purposes.~~

~~This bill would define “stormwater” for purposes of the act to mean any system of public improvements or service intended to provide for the quality, conservation, control, or conveyance of waters that land on or drain across the natural or man-made landscape.~~

~~This bill would become operative only if ACA ____ of the 2015–16 Regular Session is approved by the voters.~~

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 2021 of the Health and Safety Code is
2 amended to read:
3 2021. Within 30 days after the effective date of the formation
4 of a district, a board of trustees shall be appointed as follows:
5 (a) In the case of a district that contains only unincorporated
6 territory in a single county, the board of supervisors shall appoint
7 five persons to the board of trustees.
8 (b) In the case of a district that is located entirely within a single
9 county and contains both incorporated territory and unincorporated
10 territory, the board of supervisors may appoint one person to the
11 board of trustees, and the city council of each city that is located
12 in whole or in part within the district may appoint one person to
13 the board of trustees. If those appointments result in a board of
14 trustees with less than five trustees, the board of supervisors shall
15 appoint enough additional persons to make a board of trustees of
16 five members.
17 (c) In the case of a district that contains only unincorporated
18 territory in more than one county, the board of supervisors of each
19 county may appoint one person to the board of trustees. If those
20 appointments result in a board of trustees with less than five
21 persons, the board of supervisors of the principal county shall

1 appoint enough additional persons to make a board of trustees of
2 five members.

3 (d) In the case of a district that is located in two or more counties
4 and contains both incorporated territory and unincorporated
5 territory, the board of supervisors of each county may appoint one
6 person to the board of trustees, and the city council of each city
7 that is located in whole or *in* part within the district may appoint
8 one person to the board of trustees. If those appointments result
9 in a *board of trustees* with less than five persons, the board of
10 supervisors of the principal county shall appoint enough additional
11 persons to make a board of trustees of five members.

12 (e) *In the case of a district that is located entirely within a single*
13 *county and contains both incorporated territory, including every*
14 *city within that county, and unincorporated territory, the board*
15 *of supervisors may appoint one person to the board of trustees,*
16 *and a city selection committee, established pursuant to Article 11*
17 *(commencing with Section 50270) of Chapter 1 of Part 1 of*
18 *Division 1 of Title 5 of the Government Code, may appoint up to*
19 *the total number of trustees as the individual cities would*
20 *collectively be entitled to appoint pursuant to subdivision (b). If*
21 *those appointments result in a board of trustees with less than five*
22 *persons, the board of supervisors shall appoint enough additional*
23 *persons to make a board of trustees of five members.*

24 ~~SECTION 1. Section 53750 of the Government Code is~~
25 ~~amended to read:~~

26 ~~53750. For purposes of Article XIII C and Article XIII D of~~
27 ~~the California Constitution and this article:~~

28 (a) ~~“Agency” means any local government as defined in~~
29 ~~subdivision (b) of Section 1 of Article XIII C of the California~~
30 ~~Constitution.~~

31 (b) ~~“Assessment” means any levy or charge by an agency upon~~
32 ~~real property that is based upon the special benefit conferred upon~~
33 ~~the real property by a public improvement or service, that is~~
34 ~~imposed to pay the capital cost of the public improvement, the~~
35 ~~maintenance and operation expenses of the public improvement,~~
36 ~~or the cost of the service being provided. “Assessment” includes,~~
37 ~~but is not limited to, “special assessment,” “benefit assessment,”~~
38 ~~“maintenance assessment,” and “special assessment tax.”~~

1 (e) “District” means an area that is determined by an agency to
2 contain all of the parcels that will receive a special benefit from a
3 proposed public improvement or service.

4 (d) “Drainage system” means any system of public
5 improvements that is intended to provide for erosion control, for
6 landslide abatement, or for other types of water drainage.

7 (e) “Extended,” when applied to an existing tax or fee or charge,
8 means a decision by an agency to extend the stated effective period
9 for the tax or fee or charge, including, but not limited to,
10 amendment or removal of a sunset provision or expiration date.

11 (f) “Flood control” means any system of public improvements
12 that is intended to protect property from overflow by water.

13 (g) “Identified parcel” means a parcel of real property that an
14 agency has identified as having a special benefit conferred upon
15 it and upon which a proposed assessment is to be imposed, or a
16 parcel of real property upon which a proposed property-related
17 fee or charge is proposed to be imposed.

18 (h) (1) “Increased,” when applied to a tax, assessment, or
19 property-related fee or charge, means a decision by an agency that
20 does either of the following:

21 (A) Increases any applicable rate used to calculate the tax,
22 assessment, fee, or charge.

23 (B) Revises the methodology by which the tax, assessment, fee,
24 or charge is calculated, if that revision results in an increased
25 amount being levied on any person or parcel.

26 (2) A tax, fee, or charge is not deemed to be “increased” by an
27 agency action that does either or both of the following:

28 (A) Adjusts the amount of a tax, fee, or charge in accordance
29 with a schedule of adjustments, including a clearly defined formula
30 for inflation adjustment that was adopted by the agency prior to
31 November 6, 1996.

32 (B) Implements or collects a previously approved tax, fee, or
33 charge, so long as the rate is not increased beyond the level
34 previously approved by the agency, and the methodology
35 previously approved by the agency is not revised so as to result in
36 an increase in the amount being levied on any person or parcel.

37 (3) A tax, assessment, fee, or charge is not deemed to be
38 “increased” in the case in which the actual payments from a person
39 or property are higher than would have resulted when the agency
40 approved the tax, assessment, fee, or charge, if those higher

1 payments are attributable to events other than an increased rate or
2 revised methodology, such as a change in the density, intensity,
3 or nature of the use of land.

4 (i) “Notice by mail” means any notice required by Article XIII C
5 or XIII D of the California Constitution that is accomplished
6 through a mailing, postage prepaid, deposited in the United States
7 Postal Service and is deemed given when so deposited. Notice by
8 mail may be included in any other mailing to the record owner
9 that otherwise complies with Article XIII C or XIII D of the
10 California Constitution and this article, including, but not limited
11 to, the mailing of a bill for the collection of an assessment or a
12 property-related fee or charge.

13 (j) “Record owner” means the owner of a parcel whose name
14 and address appears on the last equalized secured property tax
15 assessment roll, or in the case of any public entity, the State of
16 California, or the United States, means the representative of that
17 public entity at the address of that entity known to the agency.

18 (k) “Registered professional engineer” means an engineer
19 registered pursuant to the Professional Engineers Act (Chapter 7
20 (commencing with Section 6700) of Division 3 of the Business
21 and Professions Code).

22 (l) “Stormwater” means any system of public improvements or
23 service intended to provide for the quality, conservation, control,
24 or conveyance of waters that land on or drain across the natural
25 or man-made landscape.

26 (m) “Vector control” means any system of public improvements
27 or services that is intended to provide for the surveillance,
28 prevention, abatement, and control of vectors as defined in
29 subdivision (k) of Section 2002 of the Health and Safety Code and
30 a pest as defined in Section 5006 of the Food and Agricultural
31 Code.

32 (n) “Water” means any system of public improvements intended
33 to provide for the production, storage, supply, treatment, or
34 distribution of water from any source.

35 SEC. 2. This act shall become operative only if Assembly
36 Constitutional Amendment ____ of the 2015–16 Regular Session
37 is approved by the voters and takes effect.